

**Court of Appeals
Division II
State of Washington
2/14/2025 1:34 PM
No. 601044**

IN THE COURT OF APPEALS, DIVISION II,
OF THE STATE OF WASHINGTON

ARTHUR WEST, *Appellant*,

v.

WASHINGTON STATE LEGISLATURE, et al., *Respondents*.

**MOTION FOR LEAVE TO FILE AMICUS BRIEF BY
NATIONAL CONFERENCE OF STATE LEGISLATURES**

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I. MOTION FOR LEAVE TO FILE AMICUS BRIEF

The National Conference of State Legislatures (“NCSL”) moves this Court for permission to file an amicus curiae brief in this appeal pursuant to Rules of Appellate Procedure 10.1(e) and 10.6.

II. IDENTITY AND INTEREST OF AMICUS

NCSL is a bipartisan organization that serves the legislators and staff of the Nation’s 50 States, its Commonwealths, and its Territories. NCSL provides research, technical assistance, and opportunities for policymakers to exchange ideas on pressing issues. NCSL advocates for the interests of state governments before Congress and federal agencies, and submits amicus briefs in cases, like this one, that raise issues of vital state concern.

NCSL’s interest in this proceeding stems from the need to promote and protect legislative privilege in all jurisdictions. As case law continues to develop regarding

this historic privilege, NCSL works to ensure informed development of the law for the benefit of state legislative bodies and their constituents. NCSL will respectfully demonstrate to this Court that the deliberations and records at issue merit legislative privilege protection, consistent with other state court decisions applying legislative privilege.

III. FAMILIARITY WITH THE ISSUES

NCSL is familiar with legislative privilege, the issue primarily involved in this review. This familiarity is based upon NCSL's experience with informing, educating, and advocating about this issue. NCSL is familiar with the scope of the argument presented in this appeal through review of the briefs filed in this Court and of various pleadings filed in the superior court.

IV. ISSUE ADDRESSED

The specific issue addressed by NCSL's amicus curiae brief is the application of legislative privilege

protection to internal legislative deliberations and related records by courts in other states. This issue relates to both issues set forth in the Counterstatement of Issues contained in Respondents' Answering Brief, in that both of those issues concern the scope of legislative privilege protection for these records. *See* Respondents' Answering Br. 3.

V. WHY ADDITIONAL ARGUMENT IS NECESSARY

NCSL believes that additional argument is necessary regarding this issue to respectfully inform this Court about the importance of internal deliberations and related records to the legislative process, how these records are afforded legislative privilege protection in other states, and how applying legislative privilege here would confer benefits and avoid harms to the legislative process. Given NCSL's mission and role in serving the legislators and staff of the Nation's 50 States, its Commonwealths, and its Territories, NCSL has a unique

perspective on the importance of legislative privilege and the potential impact that a decision by this Court may have on legislatures in other jurisdictions.

NCSL will file its proposed Brief of Amicus Curiae National Conference of State Legislatures with this motion.

This document contains 444 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this February 14th, 2025

Respectfully submitted,

Attorneys for the National Conference
of State Legislatures, Amicus Curiae

/s Timothy J. Feulner

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury according to the laws of the State of Washington that I caused a copy of the foregoing document to be served upon the following counsel of record via electronic service:

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DATED this 14th day of February, 2025, at Tumwater,
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FEULNER LAW OFFICE, PLLC**February 14, 2025 - 1:34 PM****Transmittal Information**

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